IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CAL NO.346 OF 2003
IN
COMPANY PETITION NO.235 OF 1996

M/s. Kay Nitroxygen Pvt. Ltd. ...Applicant

V/s

The Official Liquidator,
High Court, Bombay. ...Respondent

Mr. L. R. Castelino for the applicant in support.

Mrs. K.V. Gautam, Dy. Official Liquidator, present.

CORAM: V.M.KANADE,J.
DATE : 27th August 2004.

PC:.

1. Heard the learned Counsel appearing on behalf of the applicant.

2. Applicant has filed this application for return of 20 Nitrogen Gas Cylinders and 18 Co2 Gas Cylinders presently lying at the address of the Company in liquidation. It is stated in the affidavit in support of the applicant - company that the Company is engaged in the supply of gas cylinders to its customers and as such in the usual course of business these cylinders were supplied to the Company in liquidation. The Company in liquidation was ordered to be wound up by the order dated 16/1/2003 and the Official Liquidator was appointed. It is submitted that the applicant -

Company is the owner of the said Cylinders duly delivered to the Company in liquidation which can be verified from the various Chalans which are issued from time to time. It is, therefore, submitted that the applicant - Company is entitled to get back the possession of these Cylinders from the Official Liquidator and that no harm or prejudice would be caused to the respondents if these Cylinders are returned.

3. Reply has been filed by the Official Liquidator.

I have perused the reply.

4. In my view, no prejudice would be caused to the respondents if these Cylinder which, admittedly, are owned by the applicant - Company are returned.

5. Civil Application is accordingly allowed in terms of prayer clause (a). Applicant - Company is allowed to file any claim with the Official Liquidator in respect of its dues which are due and payable to the applicant - Company. Delay, if any, in filing the said claim is condoned on the application being filed. Official Liquidator to consider it along with the other claims.

6. Application is allowed in the above terms.

7. All concerned to act on the copy of this order duly authenticated by the Company Registrar of this Court.

V.M. KANADE, J.